

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

204th

RESOLUTION OF THE SENATE

Delivered on the 8th session held on 19th July 2017

on the Proposal for a Regulation of the European Parliament and of the Council setting out the conditions and procedure by which the Commission may request undertakings and associations of undertakings to provide information in relation to the internal market and related areas (Senate Print No. N 40/11; COM (2017) 257)

The Senate

I.

1. Supports,

in general, the deepening of the internal market, based in particular on free enterprise on a level playing field for all the entities concerned;

2. However, is convinced,

that the proposal has no merit and recommends not to adopt it;

II.

1. Is of the opinion

that the actual added value of any information gathered does not in any way counterbalance the unavoidable increase in the administrative burden of unpredictable extent suffered by the entities concerned;

2. Points out

that the Commission would obtain a very powerful tool that would procure access to sensitive data (including possible business secret), which could lead to a risk of leaks, abuse or selective approach;

3. Considers it extremely problematic

that the Commission would have the power to impose new information duties on undertakings by its own, completely autonomous decisions, because currently this is only possible on the basis of specific legislative acts of the European Parliament and of the Council;

4. Has doubts

that the Court of Justice of the EU, given the volume of its current agenda, would be able to effectively manage unpredictable increase of relatively marginal cases consisting of the review of Commission's decisions imposing fines or periodic penalties; in addition, the proposed rules would violate the elementary European standards for imposition of sanctions, since the Court of Justice of the EU would not only have the power to cancel or reduce the fine or periodic penalty, but also to increase it;

III.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposal is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Daniela Filipiová
sign manual
Senate Verifier